

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 02/22/2007 was considered by the examiner.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the delivery means, the overhead distributor, and the transfer means must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. Claims 1-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The manner in which the device receives the particulate material and subsequently passes it on to another processing station is not shown in the disclosure in a way what would allow one of ordinary skill in the art to make or use the invention.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. The exact relationship of the tray, the conveyor and the pins is not made clear in the applicant's disclosure. The exact meaning of the limitations of a flexible and foldable foil, a flexible and foldable web and a shuttle conveyor is not explained.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 6-11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagl (US Patent 4,457,840) in view of Molaug (US Patent 4,359,014).

In Re claim 8 Nagl discloses an apparatus for evenly distributing a quantity of a particulate matter comprising a delivery means (14), a shallow tray (3) having a number of pins (16), a vibrational generating means (Column 1, lines 25-30) and a transfer means (21).

Nagle doesn't disclose a timer.

Molaug discloses a distributing apparatus comprising a vibrator controlled by a timer (Column 1, lines 15-20).

Therefore, it would have been obvious too one of ordinary skill in the art at the time the invention was made to modify the Nagl apparatus by adding the timer from Molaug, in order to allow a user to control the amount of time that the vibrator functions.

Nagl in view of Molaug as applied to claim 8 above performs the method of claim 1 during ordinary use and operation.

In Re claim 9 Nagl discloses an overhead distributor.

Nagl in view of Molaug as applied to claim 9 above performs the method of claim 2 during ordinary use and operation.

In Re claim 10 Nagl discloses a shuttle conveyor belt (3).

Nagl in view of Molaug as applied to claim 10 above performs the method of claim 3 during ordinary use and operation.

In Re claim 11 Nagl discloses pins extending into said tray from a stationary frame.

Nagl in view of Molaug as applied to claim 11 above performs the method of claim 4 during ordinary use and operation.

In Re claims 6 and 13 Nagl in view of Molaug as applied to claim 8 above discloses all the limitations, but doesn't disclose the exact frequency range of 0.5-25 Hz for the vibrator. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a frequency in the claimed range, since discovering the optimum or workable range of a variable requires only routine skill in the art.

In Re claim 7 Nagl in view of Molaug as applied to claim 1 above discloses all the limitations, but doesn't disclose the exact time range of 15-120 seconds for the timer. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a time in the claimed range, since discovering the optimum or workable range of a variable requires only routine skill in the art.

3. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nagl in view of Molaug and in further view of Kayatz (US Patent 3,412,477).

In Re claim 12 Nagl discloses all the limitations, but doesn't disclose pins being fixed to the tray. Kayatz discloses a conveyor (2) having a series of pins. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Nagl apparatus by adding the pins from Kayatz to the conveyor surface, in order to more effectively impart the vibrational motion to the product to ensure an even distribution.

Nagl in view of Molaug and Kayatz as applied to claim 12 above performs the method of claim 5 during ordinary use and operation.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON K. NIESZ whose telephone number is (571)270-3920. The examiner can normally be reached on mon-fri 9-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Huson can be reached on (571) 272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason K Niesz
Examiner
Art Unit 3751

/Timothy L Maust/
Primary Examiner, Art Unit 3751